

FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES L. KOLMER, D.C.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
(87 CHI 36)

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

James L. Kolmer, D.C.  
2516 Church Street  
Stevens Point, WI 54481

Chiropractic Examining Board  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That James L. Kolmer, hereinafter the Respondent, was at all times relevant to this action duly licensed as a chiropractor in the State of Wisconsin.
2. That the Respondent's license is #1499 and was issued on July 12, 1979.
3. That the Respondent's current address is 2516 Church St., Stevens Point, WI, 54481.
4. That Patient B.D. first saw the Respondent on June 17, 1981 following a work-related injury.
5. That the Respondent provided services to Patient B.D. from June 17, 1981 until January, 1985.

6. That Patient B.D. reached a healing plateau on December 15, 1982.

7. That after Patient B.D. reached a healing plateau on December 15, 1982, the Respondent provided treatment to Patient B.D. beyond that which was reasonable and necessary.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action again against the Respondent pursuant to Chapter 446, Stats.

ORDER

1. That the Respondent shall be and hereby is Reprimanded.

2. That costs of the proceeding are assessed against the Respondent, payable to the Department of Regulation and Licensing in the sum of \$300.00. The costs must be paid within thirty (30) days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Chiropractic Examining Board

By: M. Rudolph H. Sekke, D.C. September 13, 1990  
A Member of the Board Date

MJB:ej  
ATY-1101

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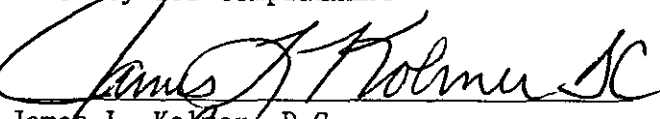
STIPULATION  
(87 CHI 36)

It is hereby stipulated between the parties as follows:


1. That this Stipulation is entered into as a result of a pending investigation by the Division of Enforcement, 87 CHI 36. The Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. That the Respondent understands by the signing of this Stipulation that he voluntarily and knowingly waives his rights in this matter.
3. That the Respondent neither admits nor denies the allegations in this matter, but agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board.
4. That if the terms of this Stipulation are not acceptable to the Board, than the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.
5. That if the Board accepts the terms of this Stipulation, then the parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.
6. That the Division of Enforcement joins the Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.
7. That the Attorney for the Complaint and the Board Advisor may address the Board in either open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in favor of this agreement or answering any questions the Board may have.

  
Michael J. Berndt  
Attorney for Complainant

8/21/90  
Date

  
James L. Kolmer, D.C.  
Respondent

7-9-90  
Date

  
Steven C. Underwood  
Attorney for Respondent

8/14/90  
Date

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Chiropractic Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Chiropractic Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Chiropractic Examining Board.

The date of mailing of this decision is September 18, 1990.